

# TYPE II LAND DIVISION & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1401 PLD



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**Project Name:** FARRAN SHORT PLAT

**Case Number:** PLD2009-00018; SEP2009-00035; GEO2009-00009;  
HAB2009-00023

**Location:** 18002 NW 41<sup>st</sup> Avenue

**Request:** The applicant requests to divide 10.45 acres into two single-family residential lots using the provisions of the cluster ordinance. The site is located in the R-5 zone district.

**Applicant:** Aiman Farran  
18002 NW 41<sup>st</sup> Avenue  
Ridgefield, WA 98642  
(360)566-3397  
[aaiman0@yahoo.com](mailto:aaiman0@yahoo.com)

**Contact Person:** Sturtevant, Golemo & Associates  
Jason Mattos  
2005 Broadway  
Vancouver, WA 98663  
(360)993-0911; (360)993-0912 fax  
[jclark@sgaengineering.com](mailto:jclark@sgaengineering.com)  
[jmattos@sgaengineering.com](mailto:jmattos@sgaengineering.com)

**Property Owner:** Sliman Farran  
18002 NW 41<sup>st</sup> Avenue  
Ridgefield, WA 98642

**Approve subject to Conditions of Approval**

**Team Leader's Initials:** AIF **Date Issued:** July 30, 2009

**County Review Staff:**

	<b><u>Name</u></b>	<b><u>Phone Ext.</u></b>	<b><u>E-mail Address</u></b>
<b>Team Leader:</b>	Travis Goddard	4180	Travis.goddard@clark.wa.gov
<b>Planner:</b>	Terri Brooks	4885	Terri.brooks@clark.wa.gov
<b>Habitat Biologist:</b>	Dave Howe	4598	David.Howe@clark.wa.gov
<b>Wetland Biologist:</b>	Brent Davis	4152	Brent.Davis@clark.wa.gov
<b>Engineer Supervisor:</b> (Trans. & Stormwater):	Sue Stepan P.E.	4102	sue.stepan@clark.wa.gov
<b>Engineer</b> (Trans. & Stormwater):	Doug Boheman, PE, PLS	4219	Doug.boheman@clark.wa.gov
<b>Engineering Supervisor:</b> (Trans. Concurrency):	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov
<b>Engineer</b> (Trans. Concurrency):	David Jardin	4354	David.jardin@clark.wa.gov
<b>Fire Marshal Office</b>	Tom Scott	3323	tom.scott@clark.wa.gov

**Comp Plan Designation:** Rural 5 (R-5)

**Parcel Number(s):** Tax lot 21 (180501-000) located in the Southwest quarter of Section 8, Township 3 North, Range 1 East of the Willamette Meridian

**Applicable Laws:**

Clark County Code: Title 14 (Buildings and Structures), 15.12 (Fire Code); 40.4 (Critical Areas), 40.350 (Transportation & Circulation); 40.210 (Rural and Resource Residential Zoning Districts), 40.370.010 (Sewer); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.5 (Procedures); 40.550 (Modifications and Variances), 40.510.020 (Type II Process); 40.540.030 (Short Plats); 40.570 (SEPA), Section 40.350.020 (Transportation Concurrency), 40.610 & 40.620 (Impact Fees); Title 24 (Public Health), RCW 58.17 (State Platting Laws) and the Clark County Comprehensive Plan.

**Neighborhood Association/Contact:**

Fairgrounds Neighborhood Association  
Bridget Schwarz, President  
2110 NW 179 Street  
Ridgefield, WA 98642  
573-5873  
E-mail: [bridget@bridge-i-t.com](mailto:bridget@bridge-i-t.com)

**Vesting:**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on August 7, 2008. The pre-application was determined not contingently vested.

The fully complete application was submitted on May 4, 2009, and determined to be fully complete on May 6<sup>th</sup>, 2009. Given these facts, the application is vested on May 4, 2009. There are no disputes regarding vesting.

**Time Limits:**

The application was determined to be fully complete on May 6, 2009. The applicant was asked to submit additional information that extended the time limit by 7 days. Therefore, the County Code requirement for issuing a decision within 78 days lapses on July 30, 2009.

**Public Notice:**

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, Fairgrounds Neighborhood Association and property owners within 500 feet of the site on May 28, 2009.

**Public Comments:**

Written comments were received from the Washington State Department of Ecology (DOE) and the Southwest Clean Air Agency (SWCAA). SWCAA wrote with concerns about structure demolition, however, no demolition of any structures is proposed.

DOE wrote with a request to consider the use of low-toxic building products and finishes and incorporating salvaged or made from recycled products building materials. They also wrote with concerns about erosion control measures.

*Staff Response: The applicant has been provided with a copy of the DOE letter and is separately responsible for compliance with all state and federal regulations. Compliance with the county erosion control ordinance will prevent adverse impacts off site. The county will review and monitor implementation of the applicant's erosion control plan. Erosion control measures will be monitored by county inspection staff during construction.*

## Project Overview

The site is located on the northwest corner of NW 179<sup>th</sup> Street and NW 41<sup>st</sup> Avenue across from the old Sara store. The site address is 18002 NW 41<sup>st</sup> Avenue and contains a house, guesthouse, 2 story shop and various other outbuildings.

There is a row of trees along NW 179<sup>th</sup> Street with a small copse of trees in the corner at NW 41<sup>st</sup> Avenue. There is also a row of trees along the west and the north lines. There are some breaks in the vegetation along the east line where the existing home is located, otherwise the east line is also treed.

Whipple Creek and associated wetlands are located in the southern portion of the site and an unnamed creek along the west line. A building envelope is proposed that will leave buffers for the creeks and the wetlands although buffer averaging is proposed for a short distance along the creek on the west side.

The applicant proposes to divide this 10.45 acre site into two residential lots using the provisions of the County's cluster ordinance. One of the lots is proposed to be 3.27 acres and the other lot will be 7.17 acres. The cluster ordinance does not allow additional lots over the two 5 acre lots normally created in the R-5 zone but does require that the larger (remainder) lot not be divided again until it is in an urban growth boundary.

### Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Rural 5	R-5	Large lot residential
North	Rural 5	R-5	Large lot residential and agriculture
East	Rural 5	R-5 and CR-1	Large lot residential and a small commercial structure
South	Rural 5	R-5	Large lot residential
West	Rural 5	R-5	Large lot residential

## Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- |                                 |  |
|---------------------------------|--|
| 1. Earth                        | 9. Housing                             |
| 2. Air                          | 10. Aesthetics                         |
| 3. Water                        | 11. Light and Glare                    |
| 4. Plants                       | 12. Recreation                         |
| 5. Animals                      | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation                     |
| 7. Environmental Health         | 15. Public Services                    |
| 8. Land and Shoreline Use       | 16. Utilities                          |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

**Major Issues:**

Only the major issues, errors in the development proposal, or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements and, therefore, are not discussed below.

**LAND USE:**

**Finding 1 – Density:**

CCC 40.210.020, D, 3 sets standards for density for cluster land divisions. The total acreage of the property is 10.45 acres according to the applicant's survey (Exhibit 2). CCC 40.210.020, D, 3 allows cluster developments a maximum density equivalent to that which would be permitted by applying the otherwise applicable minimum lot size requirements of this section. The density is allowed to be based on one hundred ten percent (110%) of the gross area of the site. In this case, 110% of 10.45 acres allows only the 2 lots that could be developed ( $10.45 \times 110\% = 11.50 \div 5 = 2.3$ ).

The applicant has chosen to include the remainder lot within the density of the proposal. The remainder parcel must be at least 65% of the total acreage or a minimum of 6.79 acres ( $10.45 \times 65\% = 6.79$ ). The required size of the remainder parcel sets the standard but also allows flexibility in creating the smaller cluster lots. (See Condition #D-1)

**Finding 2 – Remainder Lot:**

CCC 40.210.020, D, 3, c requires that the remainder parcel be contiguous. Fragmentation of the parcel by public or private road easements and/or building sites is not allowed unless no other reasonable alternative exists. To the maximum extent possible, all critical areas and any associated buffers must be located within the remainder parcel. If no alternative is available, encroachment into these areas must be limited to the least amount possible consistent with applicable critical areas ordinances. Most of the critical areas on the site are located on the remainder parcel, however, a large portion of the stream buffer for the westerly stream is located on the cluster lot. The existing well, a kennel, driveway, gravel parking area and various fruit trees that the property owner would like to keep are located in this area of the cluster lot. The applicant has submitted a revised map (Exhibit 9) for lot 1 indicating that the west property line could be moved some to include more of the buffer in the remainder parcel. This will need to be revised on the final plat map. (See Condition #D-2)

Finding 3 – Setbacks:

CCC 40.210.020, D, 4 requires that structures on the remainder and cluster lots be setback a minimum of 20 feet (30 if no fire flow) when adjacent to another cluster lot. If not adjacent to another cluster lot, front and rear setbacks must be 50 feet. Also, if adjacent to the remainder parcel, the front and rear setback is 50 feet. The applicant has labeled the building envelopes as development envelopes but the septic drainfields are outside the envelopes. The envelopes should be labeled as building envelopes so that it is clear that the septic systems can be permitted in the locations shown on the plat map. The final plat map will need to be revised so that the building envelope shows a 50 foot rear setback for lot 1. The creek buffer serves as the building setback to the west for lot 2. (See Condition #D-3)

Finding 4 – Landscaping:

CCC 40.210.020, D, 6 requires that cluster developments be landscaped within the developed portions of cluster lots to reduce views of the development from public right-of-ways. The proposed or existing landscaping must be of sufficient size and type to provide a buffer of vegetation six (6) feet in height and fifty percent (50%) opaque year round within 3 years of planting and be located on the site. The applicant proposes to use the existing vegetation to meet the landscape requirement. There is no high landscaping along the east line, near the house and guesthouse, however distance and structures on other parcels will sufficiently screen the cluster lot from NW 41<sup>st</sup> Avenue. The existing screening along NW 179<sup>th</sup> Street is sufficient so no new landscaping materials are required.

Finding 5 - Design Requirements:

CCC40.210.020, D, 5 contains design requirements for cluster developments. These requirements must be noted on the final plat map. (See Conditions # D-12-l, D-12-m and D-12-n)

Finding 6 - Outbuildings

There is an existing 2-story guesthouse and 2-story wood shop on the site. Both buildings meet setbacks to the new and existing property lines however neither of the buildings obtained building permits prior to construction. This will need to be remedied prior to final plat approval or the buildings will need to be removed. (See Condition #D-13)

**Conclusion (Land Use):**

Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the land use requirements of the Clark County Code.

**ARCHAEOLOGY:**

Much of the site is mapped on county archaeological predictive maps as having a high potential for containing artifacts. The site is also within ¼ mile of a known archeological site. Thus, the applicant was required to perform an archaeological predetermination.

An archaeological predetermination on the site was conducted for the applicant by Archaeological Services of Clark County, and the results of the investigation were sent to the Department of Archaeology & Historic Preservation (DAHP). DAHP concurred with the recommendation that no further work be conducted on the southern third of the parcel but that if any ground disturbance occurs north of the building envelope line on the remainder lot than an additional pre-determination survey is required. (See Condition D-12-b)

**Conclusion (Archaeology):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the archaeology requirements of the Clark County Code.

**HABITAT:**

**Finding 1**

The site contains two streams: Whipple Creek and a tributary of Whipple Creek. Both streams are Type F, and carry 200-foot Riparian Habitat Conservation Zones (HCZ) measured horizontally from the ordinary high water mark. Staff issued a decision verifying on-site habitat areas under the habitat pre-determination HAB2008-00121 dated December 29, 2008. Whipple Creek, the tributary, and both riparian HCZ's are mapped correctly on the preliminary plat (Exhibit 2).

**Finding 2**

The applicant proposes a 2-lot short plat. The applicant has submitted a "Preliminary Riparian Buffer Mitigation Plan" dated April 15, 2009, prepared by The Resource Company, Inc. (see Exhibit 1, section R). The proposed development envelope for Lot 2 will impact approximately 13,195 square feet of the 200-foot riparian HCZ of the tributary of Whipple Creek. This reduction occurs entirely in the outer 50% (>100') of the HCZ. The applicant proposes to mitigate for this reduction by replacing the area at a ratio greater than 1:1. The applicant proposes to designate approximately 13,210 square feet of new riparian HCZ for Whipple Creek in the eastern portion of Lot 2.

The HCZ reduction area is vegetated primarily with grasses, and a few trees. The HCZ replacement area is vegetated with forest. Staff finds that the proposed mitigation is adequate to comply with the Habitat Protection Ordinance, provided the following conditions are implemented. (See Conditions #D-7, D-8 and D-9)

**Conclusion (Habitat):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the habitat requirements of the Clark County Code.

**WETLAND:**

**Finding 1**

The wetland and buffer boundaries shown on the preliminary plat were verified and the proposed development envelopes were approved under a previously issued Wetland Determination (WET2009-00031, Exhibit 8). The site contains Category III and IV wetlands that require 40 (Cat. III) and 25 ft. (Cat. IV) buffers for the proposed

development (Low Intensity per Table 40.450.030-5) with the exception of residential driveways (Moderate Intensity per Table 40.450.030-5), which require 60 (Cat. III) and 40 ft. (Cat. IV) buffers.

#### Finding 2

The proposed development envelopes comply with CCC 40.450.030.G.2. and the proposed Land Division can comply approval standards in CCC 40.450 provided that standard conditions are met prior to Final Plat Approval,

#### **Conclusion (Wetlands):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the wetland requirements of the Clark County Code.

#### **GEO-HAZARD:**

The applicant has provided a Geotechnical Investigation Farran Partition 18002 NW 41<sup>st</sup> Avenue Clark County, Washington, prepared by Geo Pacific Engineering, Inc., stamped and signed by James D. Imbrie, PE. The owner of lot 2 will be required to incorporate all the recommendations of the Geotechnical Site Investigation for any development on that lot. (See Conditions #D-12-j and E-3)

#### **Conclusion (Geo-Hazard):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the geo-hazard requirements of the Clark County Code.

#### **TRANSPORTATION:**

##### Finding 1 - Frontage Roads

NW 179<sup>th</sup> Street, abutting the site on the south, and NW 41<sup>st</sup> Avenue, abutting the site on the east, are both classified as a Scenic Highway by Clark County's Arterial Atlas. In accordance with CCC 40.350.030(A)(7)(b) rural collector standards shall be used for right-of-way and roadway sections. The minimum right-of-way (ROW) dedications and improvements for these roads in accordance with CCC Table 40.350.030-3 and the Standard Details Manual, Drawing #23 include:

- a. A minimum half-width ROW of 30 feet.
- b. A minimum half-width paved section of 12-foot lane width.

According to the Boundary Survey by E.V. Hill & Associates, recorded in Book 15 of Surveys, Page 63, a 20 foot half-width exists along NW 41<sup>st</sup> Avenue and 30 foot half width exists along NW 179<sup>th</sup> Street. (See Condition #A-1-a)

##### Finding 2 - Intersection Design

In accordance with CCC 40.350.030(B)(7)(c) driveways in rural areas connecting with paved public roads shall be paved from the edge of the public road to the right-of-way or twenty feet from the edge, whichever is greater. (See Condition #A-1-b)



#### Finding 3 - Sight Distance

The applicant has submitted a Sight Distance Certification from Sturtevant, Golemo, & Associates stamped and signed by Jason Mattos, PE stating that the sight distance triangles for the driveways and stopping sight along the roadways can comply with the provisions of Section 40.350.030(B)(8).

#### Finding 4 - Cul-de-sacs and Turnarounds

The lots will be using existing driveways for access to the lots. In accordance with CCC 40.350.030(B)(4)(b)(3) all new driveways longer than three 300 feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout, or from turnout to turnarounds does not exceed 500 feet. (See Condition #A-1-c)

#### **Conclusion (Transportation):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

#### **STORMWATER:**

##### Finding 1 - Applicability

Stormwater and Erosion Control Ordinance CCC 40.380 applies to development activities that result in 5,000 square feet or more of new impervious area for infill developments within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities, except those exempted in Section CCC 40.380.030(A).

The project will create more than 2000 square feet of new impervious surface; however, it does involve platting of single-family residential subdivision, and it is a land disturbing activity not exempted in Section CCC 40.380.030(A). Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380,050. This project is subject to the erosion control ordinance.

##### Finding 2 – Stormwater Proposal

The project has proposed a stormwater mitigation plan to address the impacts from the new impervious surfaces. The applicant will be required to provide an abbreviated storm water report that demonstrates that the stormwater impacts will be acceptable to the methods accepted by the county. (See Condition #A-2-a)

#### **Conclusion (Stormwater):**

Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

## **FIRE PROTECTION:**

### **Finding 1 – Fire Marshal Review**

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

### **Finding 2 – Building Construction**

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition #E-1)

### **Finding 3 – Fire Flow**

Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is not available within 1000 feet of the property line. Fire hydrants will not be required. Alternative construction methods shall be used to meet fire flow; this will require 30 foot rear and side setbacks and a class "A" rated roof. An automatic fire sprinkler system may be required for new residential structures exceeding 3,600 sq. ft. of habitable space. (See Condition #D-12-k)

### **Finding 4 - Fire Apparatus Access**

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. (See Condition #F-1-a)

### **Finding 5 - Fire Apparatus Turnarounds**

New private in excess of 300 feet shall be provided an approved turn around at the terminus. Turnouts shall be provided at intervals 500 feet or less such that no portion of the driveway is in excess of an approved turnaround or turnout. The indicated modified turn around is acceptable. (See Condition #F-1-b)

## **Conclusion (Fire Protection):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

## **WATER & SEWER SERVICE:**

### **Finding 1**

The use of water wells and septic systems are proposed to serve the site. A "Health Department Evaluation Letter" has been submitted that confirms the Health Department conducted an evaluation of the site and confirms that the existing and proposed wells and septic systems are feasible, subject to conditions of approval. (See Condition D-6-a though j)

### Finding 2

Where use of wells or septic systems are proposed, the Health Department must sign the final plat prior to submittal to the county for final plat review and recording. (See Condition # D-4)

### **Conclusion (Water & Sewer Service):**

Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

### **IMPACT FEES:**

#### Finding 1 Impact Fees

The additional residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

- Rural 1 sub-area with a TIF of \$2,749.47 per dwelling.
- Ridgefield School District, with a SIF of \$4,490.00 per dwelling

Impact fees are payable prior to issuance of building permits. (See Conditions D-11-d and E-2)

## **SEPA DETERMINATION**

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on May 28, 2009 is hereby final.

## SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

SEPA Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

**Staff Contact Person:** Terri Brooks, Planner, (360) 397-2375, ext. 4885  
Travis Goddard, Team Leader, (360) 397-2375, ext. 4180

**Responsible Official:** Michael V. Butts, Development Services Manager

## DECISION

Based upon the proposed plan (identified as Exhibit 2), and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

## CONDITIONS OF APPROVAL

### **A Final Construction Review for Land Division** **Review & Approval Authority: Development Engineering**

Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

**A-1 Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. The applicant shall dedicate an additional 10 feet of right-of-way. (See Transportation Finding #1)
- b. The applicant shall pave both driveways to the edge of the right-of-way or twenty feet from the edge, whichever is greater. (See Transportation Finding #2)
- c. The applicant shall provide turnouts at approximately every 500 feet of driveway. The driveway terminus shall have an approved turnaround. This turnaround may be deferred until construction of the residence. (See Transportation Finding #4)

**A-2 Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380 and the following conditions of approval:

- a. The applicant shall provide an abbreviated storm water report that demonstrates that the stormwater impacts will be acceptable to the methods accepted by the county.

**A-3 Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380 and the following conditions of approval:

### **B Prior to Construction of Development** **Review & Approval Authority: Development Inspection**

Prior to construction, the following conditions shall be met:

**B-1 Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County; and,

- a. Prior to construction, demarcation of wetland and/or buffer boundaries shall be established (i.e. sediment fence).

**B-2 Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

**B-3 Erosion Control** - Erosion control facilities shall not be removed without County approval.

<b>C</b>	<b>Provisional Acceptance of Development</b> <b>Review &amp; Approval Authority: Development Inspection</b>
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans and the following conditions of approval:

**C-1 None**

<b>D</b>	<b>Final Plat Review &amp; Recording</b> <b>Review &amp; Approval Authority: Development Engineering</b>
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Prior to final plat approval and recording, the following conditions shall be met:

**D-1** The remainder parcel shall have a minimum lot area of 6.79 acres. (See Land Use Finding #1)

**D-2** Lot 1 shall revise the west property line as shown in exhibit #9. A minimum setback of 30 feet to the new property line to the kennel shall remain. (See Land Use Finding #2)

**D-3** Development envelopes shall be labeled as building envelopes. The building envelope for lot 1 shall be revised to show a 50 foot rear setback to the north property line. (See Land Use Finding #3)

**D-4 Health Department Signature Requirement** - The Health Department is required to sign the final plat.

**D-5 Abandonment of On-Site Water Wells and Sewage Systems** – The location of abandoned septic tanks and decommissioned wells shall be shown on the face of the final plat.

**D-6 On-Site Water Wells and Sewage System Requirements** - For on-site water wells and sewage system, the following requirements shall be completed:

- a. Small public water systems shall be drilled and approved by the Health Department prior to final plat approval;
- b. A 100-foot radius of protection for any wells shall be shown on the final plat map and be located within the boundaries of the land division;
- c. The location of all existing wells (in use, not in use or abandoned) shall be indicated on the final plat map;
- d. Each on-site sewage system shall be on the same lot it serves;
- e. Test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat map;
- f. No public or private easements or rights-of-way shall be extended through the approved, reserve or existing on-site sewage system sites;
- g. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located;
- h. A copy of the County approved final drainage plan shall be submitted for review; and,
- i. All proposed lots shall have a current approved septic system site evaluation or septic system permit. Should either be allowed to expire, subsequent approval of an on-site sewage treatment system cannot be assured and, therefore, the Health Department will not sign the final plat.
- j. An on-site sewage envelope must be delineated and staked on the south lot on the final plat map due to limited area available for development.

**D-7** The applicant shall implement the "Preliminary Riparian Buffer Mitigation Plan" dated April 15, 2009, prepared by The Resource Company, Inc. (see Exhibit 1).

**D-8** The ordinary high water marks of Whipple Creek and the tributary of Whipple Creek shall be shown on the face of the final plat. The riparian habitat conservation zone, as amended by the "Preliminary Riparian Buffer Mitigation Plan" dated April 15, 2009, prepared by The Resource Company, Inc. (see Exhibit 1) shall also be shown on the face of the final plat.

**D-9** The applicant shall record a Habitat Conservation Covenant with the County Auditor's Office.

**D-10 Wetlands:**

- a. Development Envelopes avoiding all wetlands and buffers shall be shown on the Final Plat.
- b. Recording a conservation covenant with the County Auditor, in a form approved by the County Prosecuting Attorney, which runs with the land and requires that the wetlands and buffers remain in natural state.

**D-11 Developer Covenant** – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:

- a. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- b. Erosion Control: "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- c. Land Near Agricultural, Forest or Mineral Resources: Land owners and residents are hereby notified that this plat is located within 500 feet of lands zoned agriculture-wildlife (AG-WL), agriculture (AG-20), forest (FR-40, FR-80), or surface mining (S), or in current use under Revised Code of Washington (RCW) Chapter 84.34. Therefore, the subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.
- d. Impact Fees: "In accordance with CCC 40.610, , the School and Traffic Impact Fees for each new dwelling in this subdivision are: \$4,490.00 (Ridgefield School District) and \$2,749.47 (Rural 1 TIF sub-area) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated \_\_\_\_\_, and expiring on \_\_\_\_\_. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

**D-12 Plat Notes** - The following notes shall be placed on the final plat:

- a. Archaeological (all plats): "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."



- b. Building Envelope Note: If any development activity or ground disturbance occurs outside of the building envelopes represented on the final plat or north of the building envelope for lot 2, an additional archaeological predetermination survey is required for the area impacted.
- c. Septic Systems: "The approved, initial, reserve, and/or existing sewage system sites shall be protected from damage due to development. All sites shall be maintained so they are free from encroachment by buildings and not be subject to vehicular traffic or other activity which would adversely affect the site or system function."
- d. Wetland Covenants: "Clark County Wetland Protection Ordinance (Clark County Code Chapter 40.450) requires wetlands and wetland buffers to be maintained in a natural state. Refer to Conservation Covenant (Ref #     ) recorded with the Clark County Auditor for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this plat."
- e. Wetland Development Envelopes: "No clearing or development activities shall occur outside the development envelopes shown on the face of this plat unless the activities are exempt from, or approved under, the provisions of the Clark County Wetland Protection Ordinance (CCC 40.450). Other building setbacks may apply within the development envelopes"
- f. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- g. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- h. "No vegetation shall be removed from the riparian habitat conservation zone."
- i. Privately Owned Stormwater Facilities: "The residents of Lot 2 are responsible for long-term maintenance of the privately owned stormwater facilities."
- j. Geologic Hazard: "All development is required to incorporate all the recommendations of the Geotechnical Site Investigation for this site done by GeoPacific Engineering, Inc."

- k. "Alternative construction methods shall be used to meet fire flow; this will require 30 foot rear and side setbacks and a class "A" rated roof. An automatic fire sprinkler system may be required for new residential structures exceeding 3,600 square feet of inhabitable space."
- l. "No entryway treatments, monument or other permanent development signs are permitted. This shall not be construed to prohibit landscaping."
- m. "To the maximum practicable extent, existing historic rural features shall be preserved as part of the cluster development. These features include but are not limited to rock walls, fences, functional and structurally safe farm buildings, monuments and landscape features."
- n. "Sight obscuring fences are not permitted within fifty (50) feet of the public right-of-way, nor along cluster lot lines adjacent to the remainder lot. Sight-obscuring fences include fences that meet either the F1 or the F2 standard in Sections 40.320.010(B)(6) and (7) or its successor ordinance."
- o. "The kennel (about 300 square feet), wellhouse and wood shed (about 60 square foot) located within the 200 foot creek buffer are legal non-conforming uses within the habitat area. No additional development in this area is allowed unless the activities are exempt from, or approved under, the provisions of the Clark County Habitat Protection Ordinance (CCC 40.440) or its successor ordinance."

**D-13** The wood shop and guesthouse shall obtain building and occupancy permits or be demolished. If demolished, demolition permits shall be obtained and final inspections completed. (See Land Use Finding #6)

<b>E</b>	<b>Building Permits</b>
	<b>Review &amp; Approval Authority: Customer Service</b>

Prior to issuance of a building permit, the following conditions shall be met:

- E-1** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Fire Protection Finding #2)
- E-2 Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units in the building, as follows:
  - a. \$4,490.00 per dwelling for School Impact Fees (Ridgefield School Dist.)
  - b. \$2,749.47 per dwelling for Traffic Impact Fees (Rural 1TIF Sub-area)

If the building permit application is made more than three years following the date of preliminary land division plan approval, the impact fees shall be recalculated according to the then-current rate.

- E-3** All development is required to incorporate all the recommendations of the Geotechnical Site Investigation for this site done by GeoPacific Engineering, Inc.

<b>F</b>	<b>Occupancy Permits</b> <b>Review &amp; Approval Authority: Building</b>
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Prior to issuance of an occupancy permit, the following conditions shall be met:

**F-1 Fire Apparatus Access –**

- a. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standards. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus.
- b. All other new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (See Fire Protection Finding #5)

<b>G</b>	<b>Development Review Timelines &amp; Advisory Information</b> <b>Review &amp; Approval Authority: None - Advisory to Applicant</b>
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- G-1 Land Division** - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

- G-2 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

### **G-3 Building and Fire Safety**

Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

<b>H</b>	<b>Post Development Requirements</b> <b>Review &amp; Approval Authority: As specified below</b>
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#### **H-1 None**

<b>Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.</b>
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### **Decision Appeal Process:**

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on July 30, 2009. Therefore any appeal must be received in this office by August 13, 2009.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
  - The specific aspect(s) of the decision being appealed;
  - The reasons why each aspect is in error as a matter of fact or law;
  - The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240**.

Ninety percent (90%) of the fee will be refunded if the appeal is withdrawn in writing by the petitioner at least 15 calendar days before the public meeting to consider the appeal.

**Attachments:**

- Copy of Proposed Preliminary Plan

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A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA. 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
Web Page at: <http://www.clark.wa.gov>





